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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/926,277	09/05/97	VACHRIS	P 6357-19259

EXAMINER

MM21/0805

MORRIS HANNING & MARTIN
1600 ATLANTA FINANCIAL CENTER
3343 PEACHTREE NE
ATLANTA GA 30326

ROSENBERGER, R

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 08/05/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 months month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1 - 44 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1, 4, 5, 24, 27, 29, 38, 39, 40 is/are allowed.
- ☒ Claim(s) 2, 3, 6-23, 25, 26, 28, 30-37, 41-44 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

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1. Claims 2, 3, 6, 8-23, 25, 26, 28, 30, 31-37 and 41-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2, 3, 25, 26, 42 and 43 it is unclear what the phrases "organic single electrode electroluminescent device" and "Inorganic single electrode electroluminescent device" means.

In claims 6, 8, 28, 30 and 41 it is not clear what is meant by a "one-to-one sensor array"

In claims 18 and 32 the claimed "thin sublimed molecular film" has no structural or functional relationship claimed with the rest of the device.

Claim not specifically mentioned above at least inherit the rejection above from their respective parent claims.

2. Claims 13, 14, 17, 23, 37, and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, under 35 U.S.C. 112, fourth paragraph, for failing to further limit the claim to which they refer and failing to be able to be construed so as to incorporate by reference all of the limitations of the claims to which the refer.

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It appears that claim 13 contradicts claim 9, from which it depends; claim 9 calls for two separate layers, while claim 13 calls for a single composite layer instead of the two layers of claim 9. This renders the claims unclear, and makes it at least appear that the claim does not incorporate all of the limitations of its parent claims and/or does not further limit its parent claim. Claim 14 inherits this rejection from its parent claim.

Claim 17 contradicts its parent claim 9. Claim 9 is dependent from claim 1, which calls for “a single electrode electroluminescence device” and “a second lead coupled to a relief object”. Claim 17 contradicts this and calls instead for a two electrode device with the second lead coupled to the second electrode rather than to the relief object being tested. This renders the claims unclear, and makes it at least appear that the claim does not incorporate all of the limitations of its parent claims and/or does not further limit its parent claim. Similarly for claim 23, 37 and 44 though their own chains of dependencies.

3. Claims 1, 4, 5, 7, 24, 27, 29 and 38-40 appear to be allowable. The claims rejected above appear to contain allowable subject matter and would be allowable were the rejections above under 35 U.S.C. 112 overcome.

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4. Hsiao (US 5,781,651) shows the use of an electroluminescent device as the light source in a fingerprint recognition system. It does not teach or suggest the claimed subject matter, the electroluminescent device is used as a light source only to illuminate a finger receiving surface of a platen.


Grindrup et al (US 4,624,798) and Wright et al (US 5,209,967) were mentioned in the instant specification as showing the type of variable resistive layer used in the embodiment of instant figure 2.

5. Papers related to this application may be submitted to Group 2800 by facsimile transmission. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The fax number is (703) 308-7722.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. A. Rosenberger whose telephone number is (703) 308-4804.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

R. A. Rosenberger
31 July 1998



Richard A. Rosenberger
Primary Examiner